

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	CASE NO. BK19-41937
)	CHAPTER 7
BRIAN C PODWINSKI,)	
)	
Debtor.)	

DECLARATION OF BRIAN C PODWINSKI IN SUPPORT OF MOTION TO AVOID
LIEN OF PONTE INVESTMENTS, LLC

I, Brian C. Podwinski, in support of my Motion to Avoid Lien of Ponte Investments, LLC, declare as follows:

1. I filed my Chapter 7 proceeding on November 21, 2019.
2. I filed by bankruptcy as a result of the closing of Blue Blood Brewing Co., Inc., which was operating a restaurant and brewery in Lincoln, Nebraska from 2011 until May of 2019.
3. I served as president of Blue Blood Brewing Co., Inc. during its existence.
4. Blue Blood Brewing Co., Inc. had a decline in profits beginning in 2018, which it was not able to recover from and its doors were shut by its landlord in May, 2019.
5. I held 430 shares of Blue Blood common stock out of 1,025 shares outstanding on the date of my bankruptcy.
6. I was completely emotionally and financially invested in Blue Blood.
7. I did everything I could to attempt to save my business, but ultimately, I could not.
8. I took out loans to meet payroll and other obligations when revenues were down. Much of the loans I took out required personal guarantees.
9. One such loan was from Ponte Investments, LLC, which I personally guaranteed, but and that personal guarantee contains a security pledge in "all instruments, documents, securities, cash, assets, property and the proceeds of any of the foregoing."
10. Ponte Investments, LLC took a security interest in assets of Blue Blood Brewing Co., Inc.

11. I never pledged my residence as collateral with Ponte Investments, LLC.
12. As part of the loan, Ponte Investments, LLC had me sign a confession of judgment in Rhode Island Superior Court.
13. I never consented to a lien on my residence.
14. I was not aware of a lien on my home by Ponte Investments, LLC until I reviewed information from the Lancaster County Register of Deeds in preparation for my bankruptcy filing. See attached record with Lancaster County.
15. To my knowledge, Ponte Investments, LLC does not have a judgment against me in Nebraska and the Rhode Island judgment was never transferred to Nebraska and currently remains in Rhode Island.
14. My residence's value, as stated in my schedules, and as determined by the Lancaster County Assessor is: \$638,800.00. See attached.
15. Liens which exist on my residence that I can not and am not seeking avoidance of are as follows:

Citizens One Home Loan	\$445,234.88
Frontier Bank	\$142,022.70
Ironwood Builders	\$41,000.00
Copperwood Capital	\$30,000.00

I declare under penalty of perjury that the foregoing is true and correct. (Declaration per 28 U.S.C. § 1746).

4/19/2020

Dated: _____

DocuSigned by:

Brian C. Podwinski

CD330F8BD805493...

Brian C. Podwinski

Inst # 2019023407 Mon Jul 01 13:02:34 CDT 2019
Filing Fee: \$22.00
Lancaster County, NE Assessor/Register of Deeds Office JUDGE
Pages 3



STATE OF RHODE ISLAND
KENT, SC.

- SUPERIOR COURT

PONTE INVESTMENTS, LLC,

Plaintiff

vs.

C.A. No.: KC 19-0655

BRIAN C. PODWINSKI,

Defendant

JUDGMENT

Judgment shall enter in favor of Plaintiff, Ponte Investments, LLC ("PI"), and against Defendant, Brian C. Podwinski ("Podwinski"), upon Counts I through VI, respectively, of PI's Complaint, and pursuant to PI's motion for entry of final judgment and Podwinski's Affidavit of Confession of Judgment, respectively, in connection with the above-identified action in the principal amount of \$331,495.93, together with interest thereon from the date of filing through June 28, 2019, in the total amount of \$1,961.64, as well as for attorneys' fees and costs in the total amount of \$3,429.42, for a total judgment award in favor of PI, and against Podwinski, in the amount of \$336,886.99, exclusive of legal interest accruing subsequent to June 28, 2019.

ENTER:

Dated: June 28, 2019

PER ORDER:

Dated: June 28, 2019

FILED IN OPEN COURT
KENT SUPERIOR COURT
DATE 6/28/2019
TIME _____
CLERK M. Rampone

TRUE COPY ATTEST

NANCY STRIULI, CLERK
KENT COUNTY SUPERIOR COURT

Presented By:

/s/ Christopher M. Mulhearn
Christopher M. Mulhearn (#5188)
Law Office of Christopher M. Mulhearn, Inc.
1300 Division Road, Suite 304
West Warwick, RI 02893
Tel.: (401) 533-9330
Fax.: (401) 533-9333
Email: cmulhearn@mulhearnlawri.com

Dated: June 28, 2019

Certification

I hereby certify that on this 28th day of June, 2019, I served a true and accurate copy of the foregoing upon **Brian C. Podwinski**, 15600 S. 76th Street, Roca, Nebraska, 68430-4376, by first-class, postage prepaid mail and by certified mail, return receipt requested.

/s/ Christopher M. Mulhearn

Property Address:

15600 S. 76th Street
Roca, NE 68430

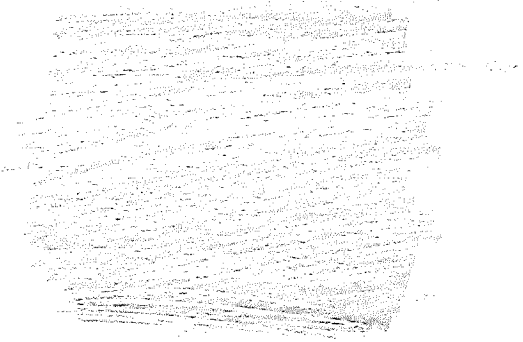
Legal Description:

South Ridge Acres Addition,
Block 3, Lot 4

Property ID:

15-15-403-004-000

SORTIAC



Property Address:

15600 S. 76th Street
Roca, NE 68430-4376

SOR/AC

Legal Description:

South Ridge Acres Addition, Block 3, Lot 4

Property ID:

15-15-403-004-000

QuickRef ID Owner Property Address 2020 Preliminary Value

R407235 PODWINSKI, BRIAN & AMANDA 15600 S 76TH ST, ROCA, NE 68430 \$638,800

2020 GENERAL INFORMATION

Property Status A-Active

Property Type Real Property

Property Class Residential Improved

Zoning AGR - AGR-Agricultural Residential District

Legal Description SOUTH RIDGE ACRES ADDITION, BLOCK 3, Lot 4

Neighborhood South Ridge Acres

Property ID 15-15-403-004-000

Taxing Unit Group 0068

2020 OWNER INFORMATION

Owner Name PODWINSKI, BRIAN & AMANDA

Mailing Address 15600 S 76TH ST ROCA, NE 68430-4376

Exemptions -

Percent Ownership 100%

2020 VALUE INFORMATION

Total Non-Ag Assessed \$638,800

Total Ag Sp Assessed \$0

PROPERTY PHOTO



1515403004000 11/30/2018

2020 RESIDENTIAL IMPROVEMENTS

⌵ Expand/Collapse All

Building #1	Building Type	Improvement Type	Year Built	Total Living Area
-	Single-family Residence	1 Story	2017	2240

ID	SECTION DESCRIPTION	YEAR BUILT	AREA
1	Main Floor Living Area	-	2,240

ID	COMPONENT DESCRIPTION	UNITS	PERCENT
1	Frame, Siding	-	95%
2	Veneer, Masonry	-	5%
3	Composition Shingle	-	100%
4	Warmed & Cooled Air	-	100%
5	Automatic Floor Cover Allowance	-	-
6	Plumbing Fixtures (#)	17	-
7	Single 1-Story Fireplace (#)	1	-
8	Total Basement Area (SF)	2664	-
9	Partition Finish Area (SF)	2450	-
10	Attached Garage (SF)	948	-
11	Open Slab Porch (SF)	342	-
12	Slab Porch (SF) with Roof	342	-
13	Slab Porch (SF) with Roof	112	-
14	Lawn Sprinklers (SF)	5000	-

MARKET LAND SEGMENTS

LAND TYPE	ZONING	METHOD	ACRES	SQFT	LAND VALUE
RHSW-Home Site Walkout Lot	-	Site Method of Valuation	-	-	\$120,000

ASSESSED VALUE HISTORY

YEAR	LAND	BUILDING	TOTAL
2019	\$120,000	\$518,800	\$638,800
2018	\$67,500	\$43,300	\$110,800

SALES HISTORY

SALE DATE	SELLER	BUYER	INSTR #	Sale Price
8/31/2017	BAADE PROPERTY LLC	PODWINSKI, BRIAN & AMANDA	2017045490	\$122,500

DISCLAIMER

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